

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RAHEEM LA'MONZE PLATER,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-24-523-R
)	
D.C. COLE, et al.,)	
)	
Defendants.)	

ORDER

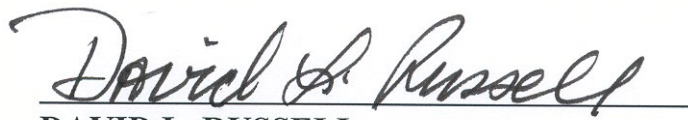
Before the Court is United States Magistrate Judge Suzanne Mitchell's Report and Recommendation [Doc. 7] in this matter. Judge Mitchell recommends the Court deny Plaintiff's Motion to Proceed *in forma pauperis* [Doc. 2]. Plaintiff filed an Objection [Doc. 8] that the Court considers despite it being untimely. Accordingly, the Court undertakes a *de novo* review of the Report and Recommendation.

It is irrefutable that Plaintiff Plater, a compulsive litigant in this District, has run afoul of the Prison Litigation Reform Act's "three strike rule." *See* 28 U.S.C. § 1915(g). Prisoners receive a "strike" when an action they've filed in a United States court is frivolous, malicious, or dismissed for failing to state a claim. *Childs v. Miller*, 713 F.3d 1262, 1265 (10th Cir. 2013). Once prisoners have received a third strike, they must prepay a filing fee before courts may consider their civil actions and appeals. *Id.* The law was intended to curb abuse of the district court process by so-called "frequent filers" like Plaintiff Plater. *See id.* at 1265-66.

Plaintiff has filed ten civil actions since 2020. Doc. 4. At least three have been dismissed for failure to state a claim. Doc. 7 at 1 n.3 (listing previous cases which trigger the PLRA's three strike rule). Plaintiff concedes one of these strikes, but he disputes the others because he claims he never received the Report and Recommendations or Orders in the cases. However, "service of a court order is complete upon mailing a copy to the last known address of the person served." *Stamper v. Parsons*, No. 01-3470, 2005 WL 82135 at *3 (D. Kan. Jan. 12, 2005) (citing Fed. R. Civ. P. 5(b)(2)(B)); see *Theede v. U.S. Dep't of Lab.*, 172 F.3d 1262, 1266 (10th Cir. 1999). Consequently, Plaintiff's claimed ignorance of the outcome of his previous cases does not affect whether those cases can be held against him for purposes of the PLRA. Plaintiff has received the necessary three strikes.

The Court must apply the three strikes provision unless the inmate demonstrates that he is "under imminent danger of serious physical injury." *Strope v. Cummings*, 653 F.3d 1271, 1273 (10th Cir. 2011) (quoting 28 U.S. § 1915(g)). Plaintiff gives no indication that he faces such an imminent risk. Accordingly, Judge Mitchell's Recommendation is ADOPTED. Plaintiff's Motion to proceed *in forma pauperis* [Doc. 2] is DENIED. Plaintiff must pay the filing fee in full within twenty-one days of this Order, or the action will be dismissed.

IT IS SO ORDERED this 28th day of June 2024.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE